

REMARKS

STATUS OF CLAIMS:

Claims 1-28 are pending.

Rejection of claims 1, 3, 5, 21, 24, 27, and 28 is maintained from the previous Office Action under 35 USC 103(a) as being unpatentable over Fargher (US Patent No 5,826,040) in view of Matsuzaki (US Patent No. 5,767,848).

Claims 2, 23, 25 and 26 are rejected under 35 USC 103(a) as being unpatentable over Fargher, Matsuzaki, and Rapoza (PC Week, v12, n19, p.74(2)).

Rejection of claims 4, 6 and 11-15 and 22, is maintained from the previous Office Action under 35 USC 103(a) as being unpatentable over Fargher, Matsuzaki, and IBM Disclosure Bulletin (December 1991, US Vol. 34, Issue Number 7B, Pages 114-117, Extensible Access Control List Mechanism).

Rejection of claim 7 is maintained from the previous Office Action under 35 USC 103(a) as being unpatentable over Fargher, Matsuzaki, IBM and Persham (US Patent No. 5,260,986).

Rejection of claim 8 is maintained from the previous Office Action under 35 USC 103(a) as being unpatentable over Fargher, Matsuzaki, IBM and Hwang (US Patent No. 5,530,892).

Rejection of claim 9 is maintained from the previous Office Action under 35 USC 103(a) as being unpatentable over Fargher, Matsuzaki, IBM and D'Agosto (US Patent No. 4,975,896).

Rejection of claim 19 is maintained from the previous Office Action under 35 USC 103(a) as being unpatentable over Fargher, Matsuzaki, IBM, D'Agosto and Morishima (US Patent No. 5,589,956).

Rejection of claims 10, 17, 18, and 20 is maintained from the previous Office Action under 35 USC 103(a) as being unpatentable over Fargher, Matsuzaki, IBM, Waldren (US Patent No. 4,884,219) and Zinsmeyer (US Patent No. 3,927,800) and Morishima.

Rejection of claim 16 is maintained from the previous Office Action under 35 USC 103(a) as being unpatentable over Fargher, Matsuzaki, IBM, Waldren, Zinsmeyer and Weber (US Patent No. 4,995,071).

According to the foregoing, the claims are amended, claims 3, 27 and 28 are cancelled without disclaimer or prejudice, and thus, the pending claims remain for reconsideration, which is respectfully requested. The Examiner's rejections are traversed.

No new matter has been added.

REJECTIONS

The patentably distinguishing features of dependent claim 3 are incorporated into the patentably distinguishing features of independent claims 1, 21 and 24. Independent claims 27 and 28 are cancelled.

The independent claims 1, 21, and 24 are not obvious in view of the combination of Fargher, Matsuzaki and the knowledge of one of ordinary skill in the art (See generally, KSR International Co. v. Teleflex Inc., 550 US ____ 2007, 82 USPQ2d 1385 (US 2007), because:

(1) The Office Action page 3 does not give patentable weight to the claimed "job definition form" limitations, because allegedly 'it merely describes intended use.' According to the foregoing, the independent claims, using claim 1 as an example, are amended taking into consideration the Examiner's comments as follows: "a form generator generating job definition forms, each job definition form ~~defines~~defining worker groups, job procedures for the worker groups, job-object conditions, and resources, said resources including job objects, available to the worker groups, ~~to process, based upon job procedures,~~groups for processing the objects of the object-oriented system as the job objects according to the job procedures and the job-object conditions." It is submitted, patentable weight must be given the claimed "job definition form" limitations, because the claimed embodiment is directed to generation of a type of job definition form, which is not merely an intended use. In contrast to the Matsuzaki's FIGS. 16 and 21 forms, the claimed embodiment provides "each job definition form ~~defines~~defining worker groups, job procedures for the worker groups, job-object conditions, and resources, said resources including job objects, available to the worker groups, ~~to process, based upon job procedures,~~groups for processing the objects of the object-oriented system as the job objects according to the job procedures and the job-object conditions."

(2) The independent claims do not recite a combination of elements found in the prior art. See generally, KSR International Co. v. Teleflex Inc., 550 US ____ 2007, 82 USPQ2d 1385 (US 2007); Leapfrog Enterprises, Inc. v. Fisher-Price, Inc. and Mattel, Inc., 06-1402 (Fed. Cir. May 9, 2007). See also, USPTO Memorandum of May 3, 2007 on Supreme Court decision on KSR Int'l. Co. v. Teleflex, Inc. All of the limitations of the independent claims are not found either expressly or implicitly in the relied upon prior art, namely, Fargher and Matsuzaki. Fargher and Matsuzaki fail to disclose, either expressly or implicitly, the claimed element "a form

generator generating job definition forms, each job definition form ~~defines~~defining worker groups, job procedures for the worker groups, job-object conditions, and resources, said resources including job objects, available to the worker groups, ~~to process, based upon job procedures, groups for processing~~ the objects of the object-oriented system as the job objects according to the job procedures and the job-object conditions.” Only Matsuzaki is relied upon for discussing the claimed “job definition form.” However, Matsuzaki’s FIGS. 16 and 21 forms are ‘condition of progress’ and ‘progress management’ forms, which do not show who is working on the product being developed. See the present Application page 1, lines 27-33.

(3) Applicants respectfully submit that the claimed “a form generator generating job definition forms, each job definition form ~~defines~~defining worker groups, job procedures for the worker groups, job-object conditions, and resources, said resources including job objects, available to the worker groups, ~~to process, based upon job procedures, groups for processing~~ the objects of the object-oriented system as the job objects according to the job procedures and the job-object conditions,” is an unobvious element over Fargher and Matsuzaki, because the claimed new element yields an unpredictable benefit of allowing worker groups to share a job object without having a worker assigned to several groups.

(4) The reason for providing the claimed “a form generator generating job definition forms, each job definition form ~~defines~~defining worker groups, job procedures for the worker groups, job-object conditions, and resources, said resources including job objects, available to the worker groups, ~~to process, based upon job procedures, groups for processing~~ the objects of the object-oriented system as the job objects according to the job procedures and the job-object conditions,” differs from Fargher and Matsuzaki, which are directed to product production planning and supporting product development from perspective of a job. See Leapfrog Enterprises, Inc. v. Fisher-Price, Inc. and Mattel, Inc., 06-1402, page 10 (Fed. Cir. May 9, 2007). The claimed embodiments are directed to managing a job from perspective of worker groups doing the job, providing an unpredictable benefit of allowing sharing of job objects by the worker groups without having a worker assigned to several groups, rather than managing a job from perspective of the job with workers assigned to the job and to share job objects a worker must be attached to several groups.

(5) The Office Action Response to Arguments (Argument C, Page 19) alleges “Matsuzaki’s broad teaching of the use of forms would have suggested the use of a form for the defining of job.” Further, the Office Action alleges forms are well known. Matsuzaki only

discusses a progress management information form (column 17, line 40+, column 19, line 50+, FIGS. 16, 21), however, a person of ordinary skill in the art could not have easily seen the benefits of providing the claimed "job definition form," which has a benefit of allowing worker groups to share a job object without having a worker assigned to several groups, because Matsuzaki manages a job from perspective of a job with workers assigned to the job, rather than the claimed "job definition form ... defining worker groups, job procedures for the worker groups, job-object conditions, and resources, said resources including job objects, available to the worker groups, ~~to process, based upon job procedures,~~ groups for processing the objects of the object-oriented system as the job objects according to the job procedures and the job-object conditions."

Further, the language of the claims provides "each job definition form ~~defines~~defining worker groups, job procedures for the worker groups, job-object conditions, and resources, said resources including job objects, available to the worker groups, ~~to process, based upon job procedures,~~ groups for processing the objects of the object-oriented system as the job objects according to the job procedures and the job-object conditions," and no evidence has been provided that the claimed "job definition form" limitations are well known. Matsuzaki's FIGS. 16, 21 forms differ from the claimed "job definition form."

(6) Further, the independent claims have been amended to include another patentable distinguishing feature of "a rearranger managing worker rearrangements among the worker groups and managing the job-object conditions of the rearranged worker groups according to a progress of the jobs from the job monitor based upon the procedure of each worker group in the job definition form, wherein said job monitor monitors the job processing and the job objects of the worker groups according to information from said rearranger." The Office Action page 5 relies upon Fargher column 9, line 40 to column 10, line 46 for allegedly describing the dependent claim 3 features. However, Fargher merely discusses planning to perform a work (job) on a machine on a time line, and replanning when the machine fails (column 9, lines 41-45 and column 10, lines 14-21). In particular, Fargher describes removing the work until resource (machine) utilization levels are not exceeded. Fargher FIG. 3a, 3b illustrate the machine capacity model.

A prima facie case of obviousness over Fargher and Matsuzaki cannot be established, because both Fargher and Matsuzaki fail to expressly disclose the claimed ""job definition form ... defining worker groups, job procedures for the worker groups, job-object conditions, and

resources, said resources including job objects, available to the worker groups, to process, based upon job procedures, groups for processing the objects of the object-oriented system as the job objects according to the job procedures and the job-object conditions" and "managing worker rearrangements among the worker groups and managing the job-object conditions of the rearranged worker groups according to a progress of the job ... based upon the procedure of each worker group in the job definition form." since Fargher as acknowledged by the Office Action does not describe the claimed job definition form and Fargher does not describe rearranging workers among worker groups, but Fargher merely discusses resequencing the work (job) for replanning. And Matsuzaki's FIGS. 16 and 21 forms are 'condition of progress' and 'progress management' forms, which do not show who is working on the product being developed, such that Matsuzaki's forms differ from the claimed "job definition form defines defining worker groups, job procedures for the worker groups, job-object conditions, and resources, said resources including job objects, available to the worker groups, to process, based upon job procedures, groups for processing the objects of the object-oriented system as the job objects according to the job procedures and the job-object conditions." Further, both Fargher and Matsuzaki fail to implicitly disclose the claimed rearrangement of workers, because there is no evidence that one skilled in the art would combine Fargher and Matsuzaki and to modify both of Fargher's sequential planning of a work on a machine on a time line and Matsuzaki's progress management information form (column 17, line 40+, column 19, line 50+, FIGS. 16, 21) to provided the claimed "job definition form defines defining worker groups, job procedures for the worker groups, job-object conditions, and resources, said resources including job objects, available to the worker groups, to process, based upon job procedures, groups for processing the objects of the object-oriented system as the job objects according to the job procedures and the job-object conditions," and "managing worker rearrangements among the worker groups and managing the job-object conditions of the rearranged worker groups according to a progress of the job ... based upon the procedure of each worker group in the job definition form," and seen an unpredictable benefit of allowing worker groups to share a job object without having a worker assigned to several groups.

In contrast to Fargher and Matsuzaki, or any of the other relied upon references of Rapoza, IBM Disclosure Bulletin, Persham, Hwang, Morishima, D'Agosto, Waldren, Zinsmeyer, and Weber, the language of the independent claims, using claim 1 as an example, provides "each job definition form defines defining worker groups, job procedures for the worker groups,

job-object conditions, and resources, said resources including job objects, available to the worker groups, ~~to process, based upon job procedures,~~ groups for processing the objects of the object-oriented system as the job objects according to the job procedures and the job-object conditions" and "managing worker rearrangements among the worker groups and managing the job-object conditions of the rearranged worker groups according to a progress of the job ... based upon the procedure of each worker group in the job definition form.

Dependent claims recite patentably distinguishing features of their own or are at least patentably distinguishing due to their dependence from the independent claims.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,
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